

Court of Appeals, State of Michigan

ORDER

People of MI v Larry Brent

Docket No. 268514

LC No. 05-000517

Christopher M. Murray
Presiding Judge

Kirsten Frank Kelly

Karen M. Fort Hood
Judges

In lieu of granting leave to appeal, the Court orders, pursuant to MCR 7.205(D)(2), that the February 1, 2006, order of the Wayne Circuit Court dismissing the charges against defendant is hereby VACATED. Once it accepted the plea, the trial court was bound to abide by the terms of the plea agreement, which did not include the dismissal of the charges. See *People v Arriaga*, 199 Mich App 166, 168; 501 NW2d 200 (1993). Further, even assuming arguendo that the trial court was not so bound, the record before this Court reflects that the trial court did not abide by the statutory procedures to set aside convictions under MCL 780.621. See *People v Boynton*, 185 Mich App 669; 463 NW2d 174 (1990). The case is REMANDED to the circuit court for further proceedings consistent with this order.

This order is to have immediate effect, MCR 7.215(F)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 21 2006

Date

Sandra Schultz Mengel
Chief Clerk